

Application No.: 10/648,969

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Docket No.: 480062001500

REMARKS

The Office Action dated November 29, 2005 has been reviewed and the Examiner's comments considered. With respect to the IDS (PTO-1449) submitted August 27, 2003, as the Examiner correctly noted on the initialed sheets, there was a mistake on the page numbering such that 1/4, 2/4, 3/4 should have been 1/3, 2/3, 3/3. Thus, all intended pages were submitted. Claims 1-17 are pending in this application. Claim 16 has been amended to correct a minor informality. Previously withdrawn claims 18-58 are canceled by this amendment to expedite prosecution. Applicants expressly reserve the right to pursue the canceled claims in a divisional application. Applicant submits that no new matter or issues have been introduced.

Applicants note with appreciation the time set aside by the Examiner to discuss the case in a telephone conference on February 13, 2006, in which rejected claim 1 was discussed with respect to the prior art of record. Participating in the interview were Examiner Han and the undersigned. After discussing aspects of the claimed invention that distinguished it from USPN 6,755,805 to Reid, applied in the Office Action, it was agreed that the rejection of claim 1 under 35 USC § 102(e) would be withdrawn upon receipt of this formal response.

Claims 1-4 stands rejected under 35 U.S.C. §102(e) as being anticipated by USPN 6,755,805 to Reid. Claim 5-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Reid in view of USPN 4,579,120 to MacGregor. Claims 8-17 are indicated as containing allowable subject matter, but are objected to as being dependent upon a rejected base claim. Applicants respectfully traverse these rejections.

Claim 1 recites, *inter alia*, a body attached to and in fluid communication with the proximal end of the needle...wherein movement of the needle assembly from an insertion position to a protection position expunges fluid from the body through the distal end of the needle, creating a positive flush." Reid is directed to a needle device with a safety mechanism; however, Reid does not show or describe a body as claimed. In particular, Reid does not show or describe at least the claimed feature of "movement of the needle assembly from an insertion position to a protection position expunges fluid from the body through the distal end of the needle."

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Therefore, in view of the above, Applicants respectfully submit that Reid does not anticipate claim 1 and claim 1 is patentable in view thereof. Claims 2-4 are also patentable in view of Reid because these claims depend from claim 1, and also recite other features not shown or described in the relied-upon prior art. With respect to claims 5-6, rejected under 35 USC 103(a), these claims are also dependent on claim 1 and are therefore patentable. Finally, claims 7-17 are patentable for the same reason.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 480062001500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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